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# **INTRODUCTION TO THE CANADIAN LEGAL SYSTEM**

**Professor David Dyzenhaus**

**Faculty of Law**

**University of Toronto**

**September 2004**

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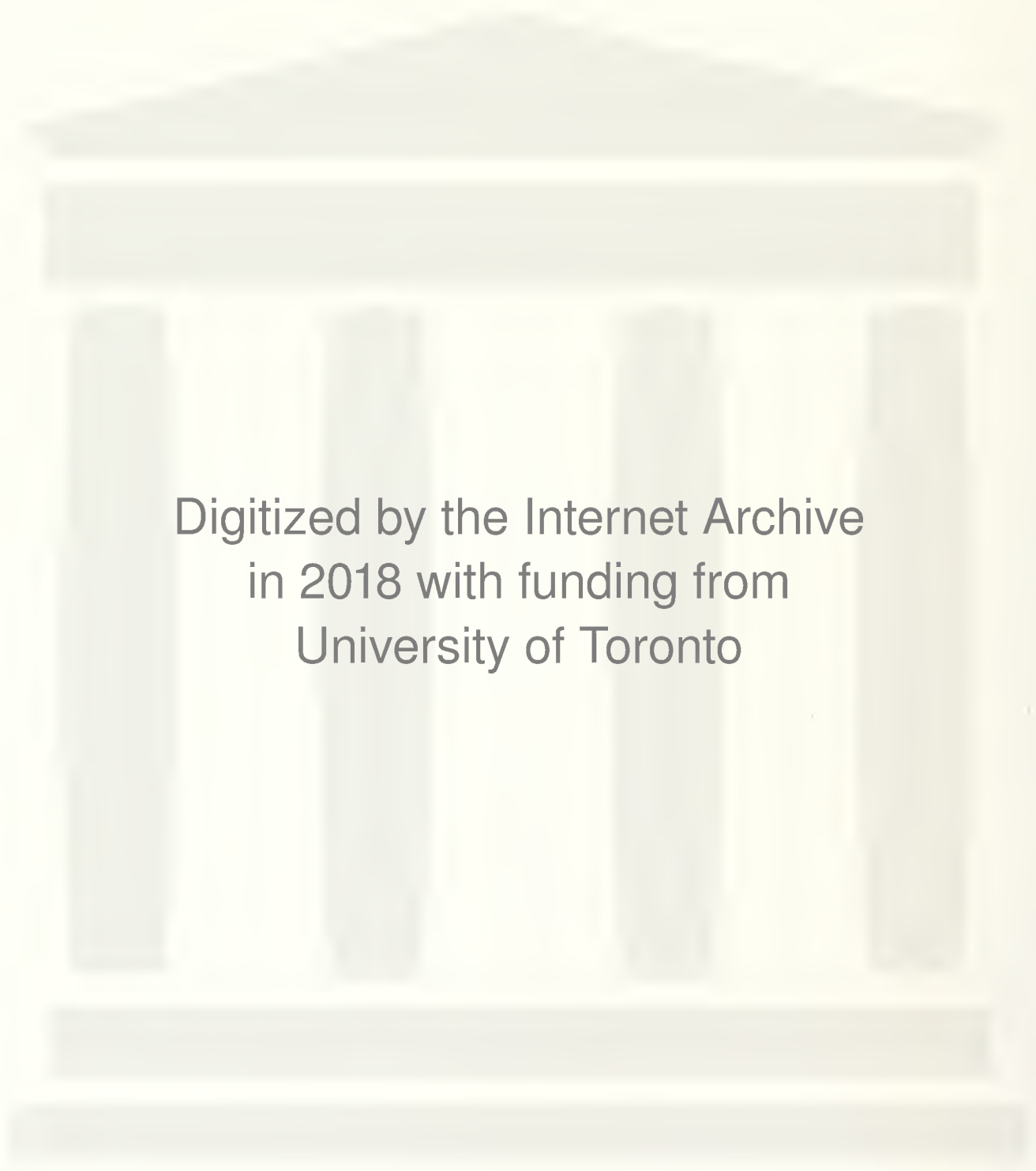
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## Introduction to the Canadian Legal System

### Table of Contents and Schedule

#### Wednesday September 1

10.00 – 12.30: Kaye Joachim

- (i) Overview of the Canadian Legal Order
- (ii) Introduction to Common Law Reasoning

Readings:

PAGES 1 - 35

*Legal Systems of the World*,  
The Doctrines of Precedent and Stare Decisis  
Statutory Interpretation  
*Harrison v Carswell* [1976] 2 S.C.R. 200

2.00 – 4.30 David Dyzenhaus

- (i) Overview of the Administrative Legal Order
- (ii) *Roncarelli v Duplessis*

Readings:

PAGES 36-43

*Roncarelli v Duplessis* [1959] S.C.R. 121

#### Thursday September 2

10.00 – 12.30 Lisa Austin

- (i) Introduction to Property Law
- (ii) *eBay Inc. v . Bidder's Edge Inc*

Readings

PAGES 44-63

A. M. Sinclair, Introduction to Real Property Law  
*eBay Inc. v . Bidder's Edge Inc.* 1000 F. Supp. 23 1058 (N.D. Cal. 2000)

2.00 – 4.30 Sujit Choudhry

- (i) Introduction to "non-Charter" Constitutionalism
- (ii) The Person's case

Readings:

PAGES 64-71

Chapter 2: Judicial Review and Constitutional Interpretation

Friday September 3

10.00 – 12.30                      Jean-Francois Gaudreault-Desbiens

- (i)        Introduction to the Charter
- (ii)      Freedom of Expression

Readings: PAGES 72-120

Charter of Rights and Freedoms (Part I of the Constitution Act)

Freedom of Expression cases

Jean-Francois Gaudreault-DesBiens, "Memories" (2003), 19 S.C.L.R. (2d) 219

2.00 – 4.30                      Martha Shaffer

- (i)        Introduction to the Criminal Legal order
- (ii)      R. v. Cuerrier

Readings: PAGES 121-163

R. v. Cuerrier [1998] 2 S.C.R. 371

## Legal Timeline of Canada

	Aboriginal peoples resided in North American before European contact
1608	Colony of New France established
1664	French civil law “Coutume de Paris” established in New France
1763	Treaty of Paris - France cedes New France to Britain
1763	Royal Proclamation - recognized Aboriginal rights
1774	Quebec Act – Quebec to use French civil law; criminal law to be based on common law
1791	Constitution Act – Quebec and Ontario divided into Upper and Lower Canada; colonies granted representative assemblies and British-style parliament
1820-40	Dissension between Upper and Lower Canada
1840	Union Act – established first Parliament of the United Province of Canada
1866	Civil Code of Quebec introduced
1867	British North America Act – now the Constitution Act of 1867 – established Canada as constitutional monarchy, parliamentary democracy committed to parliamentary supremacy, and a federal state with power divided between federal and provincial governments (Ontario, Quebec, Nova Scotia and New Brunswick)
1870	Manitoba, Alberta and Saskatchewan join Confederation
1871	British Columbia joins Confederation
1872	Prince Edward Island joins Confederation
1875	Supreme Court established by Supreme Court Act
1931	Statute of Westminster (UK) no UK statute binds Canada, except BNA, 1867
1949	Newfoundland joins Confederation
1982	Canada Act (UK) henceforth, no UK statute binds Canada and the Constitution Act, 1982 including Charter of Rights and Freedoms enacted
1994	New Quebec Civil Code comes into effect

## Categories of Law

